

Hi. I'm Sue Joerger. I'm the first victim. I'm the Puget Sound Keeper with the Puget Sound Keeper Alliance _____. Is there a time limit on our comments?

No unless it starts – I mean I would say let's start with like 10 minutes because we're down to probably nine speakers now and more may fall off later.

Alright, thank you. The mission of the Puget Sound Keeper Alliance is to protect and to preserve Puget Sound. And we do this in a number of ways. In the interest of time, I'll just cut to the chase. We were involved in the appeal of the Industrial Stormwater Permit and have been interested in stormwater pollution fairly recently I think as Keith had pointed out. It's one of the largest sources of pollution in Puget Sound. Now actually it's surpassing industrial point source pollution. We appealed the permit and believe this new permit has taken a substantial step forward. The permit now requires compliance with water quality standards. It's no longer the ultimate goal. It is compliance with water quality standards is required. We also support the new monitoring and reporting requirements. This takes a significant step forward. It's going to provide us with a significant amount data that will allow us to in the next round of permitting, in 2007 I believe move forward with whether we will need effluent limits, what other kinds of requirements we might need, whether we'll be able to determine whether best management practices are actually working to protect water quality. We also think there are some serious flaws in the permit based on the review by our attorney concerning mixing zones, discharging to 303(d) waters, implementation of which version of the Stormwater Manual, and the no exposure rule. So I'm just going to go through those really quickly what our belief is. We think even though the permit has required, requires compliance with water quality standards some of these - the compliances actually diluted through several ways. First is you can get basically a mixing zone by checking a box and certifying that you've done AKART (all known and available and reasonable methods of treatment) and that you're also certifying that you're protecting beneficial uses. Once you've done that you get a permit. And there's no way for the public to review this mixing zone determination if you're giving a standard mixing zone. They're also automatically approved by the Department of Ecology unless, well they're automatically unless you hear from the Department of Ecology. And we believe that the law requires the Department of Ecology to make a determination before granting a mixing zone. I think, obviously, this is a significant challenge to assume that for the Department of Ecology to ensure through this process that actually permittees are meeting AKART. We feel that the burden of proof should be on the permittee. That they should be able to prove that they are doing all known and available and reasonable methods of treatment, AKART, before getting this mixing zone. Second, we believe the compliance with water quality standards is diluted in 303(d) listed waters. The permit requires that you meet water quality standards for pollutants of concern. That they may _____ at the point of discharge. But if a facility can't meet this, then they're allowed up to five year compliance schedule and are relieved of the effluent limit and we believe this is actually illegal. Do not think it should be in the permit. We're also concerned about the design criteria, compliance with – the limitation of compliance if your design criteria are on the stormwater treatment system are exceeded by the six month/20 hour storm. We don't believe that compliance with water quality standards is excused for storm events. Another issue is that the draft permit does not require all permittees to implement AKART because those with existing plans can use the old stormwater manual. That was approved, I believe, back in 1992. Not the new one which was approved in 2001. We think this is a significant challenge. Also there is no requirement that, even though SWPPPs, the Stormwater Pollution Prevention Plans can now be submit, will now be kept on file at the

Department of Ecology, there's no requirement that they be updated and available. Since they're not required to be updated, there's no way that I as a member of the public can go into the Department of Ecology's Records Office and review these without making a public disclosure request. There's also no requirement for the inspection reports to be submitted. Monitoring reports, yes, should be submitted. But the inspection reports as I understand are not required to be submitted. So we're going to be looking at this information and we will be interested in obtaining copies of the current SWPPPs. So we would rather have them submitted as they're updated to the Department of Ecology so we can review them without having to go through a public disclosure request process. Finally, the Department of Ecology is going to allow facilities with no exposure to claim this, without an Ecology determination as in the mixing zone area. And again we feel that the burden of proof should be on the permittee and that they shouldn't get an automatic no exposure certification without some kind of Department of Ecology determination. With that, I think that's it for now. Thank you.